

## OPINION 879

*SPIRIFER GLABER MINOR* D'ARCHIAC & DE VERNEUIL, 1842  
(BRACHIOPODA): REFUSAL TO SUPPRESS UNDER THE PLENARY  
POWERS

**RULING.**—The use of the plenary powers to suppress the specific name *minor* d'Archiac & de Verneuil, 1842, as published in the combination *Spirifer glaber* var. *minor*, is hereby refused.

## HISTORY OF THE CASE (Z.N.(S.) 1645)

The present case was submitted to the office of the Commission by Dr. U. Jux and Dr. F. Strauch in April 1964. The application was sent to the printer on 13 July 1964 and was published on 31 December 1964 in *Bull. zool. Nomencl.* **21** : 436–437. Public Notice of the possible use of the plenary powers in the present case was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (Constitution Art. 12b; *Bull. zool. Nomencl.*, **21** : 184). An objection was received from Dr. W. Struve, as follows:

“ My special interest in this problem comes from my studies on brachiopods and biostratigraphy especially in the Eifel Area for about 15 years.

*minor* Archiac and Verneuil 1842 : 370–371. This name undoubtedly refers to a so-called “*inflatus*” extremely abundant in the “Plattenkalke” of the area of Paffrath (syncline of Bergisch Gladbach-Paffrath east of the Rhine). This species is late Givetian in age.

*inflatus* Schnur 1853 : 211–212. This name refers to shells from the “Kalk zu Schönecken und Gerolstein” (Schnur 1853 : 212), = limestone of Schönecken in the Prüm syncline and that of Gerolstein in the Gerolstein syncline, both in the southern part of the Middle Devonian synclines of the Eifel Area, west of the Rhine, about 90 km. distant from the locality Paffrath. Stratigraphically the statement “Kalk zu Schönecken und Gerolstein” means Eifelian to lower Givetian, probably Eifelian to early Givetian. Within this stratigraphic range the species *inflatus* is rather rare (“selten”, Schnur 1853 : 212). Therefore, unfortunately, the variation range of the true (i.e. Schnur's) *inflatus* cannot be investigated by statistical means at the present time.

“ Between *minor* Archiac and Verneuil 1842 and *inflatus* Schnur 1853 there exists a secondary, subjective synonymy. It is, in my opinion, very probable that within a reasonable space of time statistical research on *inflatus* will be possible in just the same way as Jux and Strauch have done with the species *minor* from Bergisch Gladbach-Paffrath. By such means it might turn out that *inflatus* is not equal to *minor* on the subspecies level or even on a higher level.

“ Therefore I see no necessity to put the species name *Spirifer inflatus* Schnur on the Official List of Specific Names in Zoology.

“ Beside that, in the case of the *Spirifer glaber minor* Archiac and Verneuil Art. 23b might be applicable (nomen oblitum, 50 years' condition). However,

since I see the possibility that some day in the future a species or subspecies name will be necessary as well for the Eifel shells as for the Paffrath shells it does not seem commendable even to apply this Art. 23b on the name *minor*. It was not the fault of Archiac and Verneuil that the name *minor* did not come into general usage but an omission of later authors, mostly stratigraphers and mapping geologists, but only a few paleontologists. The omission of these should not be honoured by suppression of the originally well established name *minor*.

"In my opinion, it will be best now to apply the name *minor* to the Paffrath and Bergisch-Gladbach shells, and the name *inflatus* to the Schönecken-Gerolstein shells and to see what will come out in the future. It does not seem right to make nomenclatorial decisions before all taxonomic questions are solved. I am convinced that some time sufficient material, within the typical time range of the true "*inflatus*", for biostatistic evaluation will be available.

"Besides, this is scarcely a name so extremely important as to come in a natural park where it is safe from the beneficial automatic effects of the law of priority."

A copy of Dr. Struve's objection was sent to the Commission at the time of voting.

#### DECISION OF THE COMMISSION

On 25 October 1966 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (66)54 either for or against the proposals set out in *Bull. zool. Nomencl.* 21 : 437. At the close of the prescribed voting period on 25 January 1967 the state of the voting was as follows:

Affirmative votes—one (1): Boschma.

Negative votes—nineteen (19), received in the following order: China, Holthuis, Vokes, Lemche, Obruchev, Munroe, do Amaral, Tortonese, Jaczewski, Alvarado, Uchida, Sabrosky, Stoll, Kraus, Mertens, Ride, Forest, Brinck, Evans.

Voting Papers not returned—three (3): Bonnet, Hubbs, Simpson.

Prof. Binder returned a late negative vote. Prof. Mayr returned his Voting Paper with the following comment: "I feel that the Commission should not vote on this application until the zoological problem is settled. If the names *inflatus* and *minor* refer to the same taxon, *inflatus* which has been extensively used in the literature clearly deserves preference. The name *minor* has been a *nomen oblitum* for 113 years (1853–1966)."

#### CERTIFICATE

We certify that the votes cast on Voting Paper (66)54 were cast as set out above, that the proposal contained in that Voting Paper has not been adopted, and that the decision so taken, being the decision of the International Commission, is truly recorded in the present Opinion No. 879.

R. V. MELVILLE  
Secretary

International Commission on Zoological Nomenclature

W. E. CHINA  
Assistant Secretary

London

30 January 1969